

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAMIEN MASHJON MCDOUGLAND,

Plaintiff,

v.

J. BELLUOMINI, et al.,

Defendants.

No. 2:22-cv-02242 SCR P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. §1983. In his motion to appoint counsel dated January 10, 2025, plaintiff suggested that responding to defendants' discovery requests and sitting for his deposition may implicate his Fifth Amendment right against self-crimination. (ECF No. 50.) The undersigned found plaintiff's motion insufficient to evaluate his Fifth Amendment concerns and on January 22, 2025, ordered the parties to submit a short brief within 30 days explaining what steps the parties have taken during the discovery process thus far, what discovery is left to be done, any challenges they are facing with respect to discovery, and information about any pending criminal case or investigation involving the same acts as plaintiff's § 1983 action. (ECF No. 51.)

Defendants filed their response on February 6, 2025. (ECF No. 52.) Plaintiff, however, has yet to respond. Plaintiff will be ordered to file a response and a statement explaining why he was not able to do so in a timely manner. If plaintiff fails to file a response or fails to show good

1 cause for his failure to respond, this court will rule on plaintiff's motion to appoint counsel on the
2 current record.

3 Accordingly, IT IS HEREBY ORDERED that within twenty-one (21) days of the date of
4 this order, plaintiff shall file the following:

5 1. A short brief of no more than five pages explaining what steps he has taken during the
6 discovery process thus far, what discovery is left to be done, any challenges he is facing with
7 respect to the discovery process, and information about any pending criminal case or
8 investigation involving the same acts as his § 1983 action. Plaintiff may include supporting
9 documents attached to the brief with any information he believes is relevant to this issue.

10 2. A response to this order explaining why plaintiff was unable to file a timely response
11 to defendants' motion to compel plaintiff's discovery responses.

12 DATED: February 28, 2025

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15 SEAN C. RIORDAN
16 UNITED STATES MAGISTRATE JUDGE
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